



SF 399 – Radon Control, New Construction (LSB1995SV)
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Fiscal Note Version – New
Requestor: Senator Matt McCoy

Description

Senate File 399 requires the [Building Code Commissioner](#), with the approval of the [Building Code Advisory Council](#), to adopt requirements and standards for radon control in new residential construction. These requirements for construction will be mandatory beginning January 1, 2017, and supersede any minimum radon control requirements and standards adopted by governmental subdivisions in Iowa. Any person that fails to comply with an order to remedy any condition in violation of the adopted requirements and standards within 30 days after service or within the time fixed for compliance, whichever is longer, will be guilty of a simple misdemeanor pursuant to Iowa Code section [103A.21](#).

The Bill allows the [Iowa Department of Public Health](#) (IDPH) to retain the fees collected for [Certification of Radon Testing and Mitigation](#). The IDPH is directed to use these fees to reimburse the Building Code Commissioner up to \$100,000 for costs associated with implementing and administering this bill in FY 2016 and FY 2017. The Bill also strikes references to radon progeny (the decay product of radon gas) in the Iowa Code.

Background

[Radon gas](#) is a cancer-causing natural radioactive gas that is invisible, has no smell, and has no taste. Radon gas comes from the natural (radioactive) breakdown of uranium in soil, rock, and water. It is found in every part of the U.S., and can get into any type of building and result in a high indoor radon level. Radon is the leading cause of lung cancer among nonsmokers, and the second leading cause of lung cancer in America. The [U.S. Environmental Protection Agency](#) has designated all [99 counties](#) as Zone 1 for the highest average indoor radon potential.

Assumptions

Fiscal Assumptions

- Prior to the effective date for new construction, the Building Code Commissioner will need to hire 1.0 FTE position for a Construction Design Engineer to facilitate research, write administrative rules, and provide training and support for all stockholding groups involved in the implementation of this mandate. Ongoing needs will involve building code updates, ongoing training, and dispute resolution.
- Fee revenue for certification of radon measurement and mitigation will remain consistent with the FY 2014 level.

Summary of Impacts

Fiscal Impact

The net fiscal impact to the State General Fund will be a decrease of \$100,000. The total fiscal changes are summarized in **Table 1**.

Table 1 Summary of Changes

| | <u>Current Law</u> | <u>SF 399</u> | <u>Net Impact</u> |
|------------------------------------|------------------------|-------------------|--------------------|
| General Fund | | | |
| Fee Revenue | \$ 243,000 | \$ 0 | \$ -243,000 |
| Total | \$ 243,000 | \$ 0 | \$ -243,000 |
| Department of Public Health | | | |
| General Fund Appropriation | \$ 160,000 | \$ 160,000 | \$ 0 |
| Federal Funds | 183,000 | 183,000 | 0 |
| Retained Fees | 0 | 243,000 | 243,000 |
| Reimbursing Public Safety | 0 | -100,000 | -100,000 |
| Total | \$ 343,000 | \$ 486,000 | \$ 143,000 |
| Department of Public Safety | | | |
| Salary Design Engineer (1.0 FTE) | \$ 0 | \$ -70,000 | \$ 70,000 |
| Support | 0 | -30,000 | 30,000 |
| Reimbursement from Public Health | 0 | 100,000 | -100,000 |
| Total | \$ 0 | \$ 0 | \$ 0 |
| Net Impact | | | \$ -100,000 |

The impact on county and local governments is unknown. It is anticipated that authorities having jurisdiction will likely perform inspections as part of the enforcement regiment of other aspects of the State Building Code.

Correctional Impact

The correctional impact of this legislation is anticipated to be minimal. A simple misdemeanor is punishable by confinement for no more than 30 days, a fine of at least \$65 but not more than \$625, or both. The Legislative Services Agency (LSA) [Correctional Impact Statements Memo](#) dated January 30, 2015, estimates the cost of one simple misdemeanor conviction ranging from \$30 to \$330.

Sources

- Iowa Department of Public Health
- Iowa Department of Public Safety
- Criminal and Juvenile Justice Planning Commission
- Iowa State Association of Counties
- Iowa League of Cities

/s/ Holly M. Lyons

March 10, 2015

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.